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HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OF THE

HOUSE OF REPRESENTATIVES

ON

PROTECTION OF HOMING PIGEONS

MAY 26, 1910

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

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PROTECTION OF HOMING PIGEONS.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,

Thursday, May 26, 1910.

The committee this day met, Hon. James R. Mann (chairman) presiding.

Mr. LAFEAN. I will ask Mr. Charles H. Jones, of Philadelphia, who is a breeder of homing pigeons and seems to be thoroughly acquainted and up-to-date in every line and part of this work, to address the committee. He will talk to you along the line of the advisability of enacting a bill of this kind into law, and will be glad to answer any questions that may come to your minds to ask him.

STATEMENT OF MR. CHARLES H. JONES, OF PHILADELPHIA, PA.

Mr. JONES. My business place is No. 10 North Broad street, Philadelphia. I reside at 3942 Brown street, twenty-fourth ward, in Philadelphia.

The CHAIRMAN. What is your business?

Mr. JONES. I am national race secretary of the National Association of American Homing Pigeon Fanciers. My profession is detective. But this is the thing I am representing here.

The CHAIRMAN. We have before us House bill 18585, introduced by Mr. Lafean, providing for the protection of Antwerp or homing pigeons when in an interstate flight. We will be glad to hear from you on it.

Mr. JONES. The object of having a bill passed for the protection of our homing pigeons is that throughout the country there are probably 150,000 pigeons that will fly this season in what we call the old-bird series of races; they will fly for diplomas. The districts are situated in nearly every section of the country, and they are liberated at certain stations, and often, after the baskets are opened, we find some fellow will come along, known as a pot hunter or human hawk, with his gun, and he will kill a number of our pigeons. After he has killed them and gets possession of them they are worth about 10 cents each to him for eating purposes; they may be worth from five, ten, twenty, to twenty-five dollars to the owner of these pigeons. It seems to me it is very cowardly for a man to come up and destroy a pigeon that is so intelligent. The homing pigeon is bred for homing purposes and for show purposes. He is no doubt the king of the pigeon family; he is endowed with more sense than any other variety that I can think of, and has as much sense, if not more, than all the rest put together when it comes to flying.

The mode of flying is that they are sent to certain stations, probably, we will say, 500 miles away from their lofts. Five hundred miles from Philadelphia would be Spartanburg, S. C., and that would

be the 500-mile station. The birds are liberated usually about 5 o'clock in the morning, because it is a very long journey, and the object is to get them home in a day; consequently, they have to have an early liberation. As soon as the birds are liberated a telegram is sent to the headquarters, wherever they may be, and that telegram reads something like this: "The birds were liberated at 5 a. m., weather clear, wind southwest." And then when the telegram comes we commence to get ready for the arrival. The birds, at the present day, are timed in with a machine made for that purpose. I have one here that I will be glad to show to you. There is a little brass mark on his leg, which is a sort of a band, and the owner gets hold of his pigeon as soon as it enters its loft, takes that off, and pushes it into the clock, that pushes the slide and that starts the movement which shows the time of the arrival of the pigeon.

These pigeons are capable of flying all the way from ten hundred to twenty hundred yards per minute, if there are no shotguns in the way. Their average speed generally would be from twelve to fourteen hundred yards, in most races, but the conditions must be favorable for them to make that much speed.

Mr. LAFEAN. Twelve hundred to fourteen hundred yards per minute?

Mr. JONES. Yes, sir. The best speed I know of that is authentic was made some years ago from a 600-mile station at Gainesville, Ga.; the pigeons made over 1,400 yards per minute for the 600 miles, which shows they did not do much loafing.

The CHAIRMAN. How many miles per hour is that?

Mr. JONES. Well, that is about a mile in a minute and a quarter; something like that. They fly a mile a minute if things are favorable.

The CHAIRMAN. How long does it take to make this flight of 500 miles?

Mr. JONES. Well, we always expect to get them in a day, but we get disappointed sometimes. But that is what the fanciers are after, is having the birds make the 500 miles in a day. In 1893, up to and including that year, I think there were only seven birds in America that had made 500 miles in a day. And I had the pleasure of breaking all records with a pigeon called Gladstone—in fact, the world's record at that time. He flew from Spartanburg, S. C.—the measurement given by the surveyor being 504.63 miles—in eleven hours and fifty-nine minutes, which made his speed 1,225½ yards per minute. And that was the best in the world known at that time. But since that time records have been broken.

These pigeons are very valuable. I remember on one occasion selling four pigeons to a gentleman residing in Chicago for \$400. These pigeons had flown 600 miles in a day and they were champions. This gentleman, having plenty of money, wanted the very best, and he wrote me asking me if he could buy these pigeons. I told him I thought he could, and I wanted him to buy them himself. I hardly cared to send them by express, as they will not insure these birds, and I thought I might lose them. But he insisted on my getting those pigeons. I sent them to him and he sent me a check for \$400, and I made a commission of 10 per cent on that. That was understood. I wanted him to save it, but he did not want to do so.

Mr. RUSSELL. What is the practical purpose to which they are put?

Mr. JONES. If I may go back to the Spanish war, we had an object in view then. We thought, perhaps, the Spaniards might get into this country.

Mr. RUSSELL. Now, for what practical purposes have they been put to already? What useful and practical purposes have they served?

Mr. JONES. Probably I can answer that by what I am stating. I got into correspondence with Secretary Long and I got about 300 lofts situated in different sections of the country that were put at the disposal of the Government in case they wanted them. The Spaniards were not clever enough to get here and they did not need them. But, to answer your question, they are used by different classes of men in this country for homing purposes; it is a national sport; they use them for flying in races.

Mr. RUSSELL. Are they put to any other purpose than that?

Mr. JONES. Well, of course, the breeding just the same as a horse. Great attention is paid to the breeding of these pigeons; the same care is used in breeding these pigeons that there is in breeding the best horses; they use just as much care.

Mr. RUSSELL. Are they ever put to purposes of transmitting intelligence from one locality to another, carrying messages, or things of that kind?

Mr. JONES. Yes; they are used for message purposes.

Mr. RUSSELL. To what extent do you know that they have been used along that line?

Mr. JONES. Do you mean individual messages?

Mr. RUSSELL. Or any other kind of messages.

Mr. JONES. Yes; they are often used for that purpose. For instance, I know of a man who lived up in the lumber country—I forget the State—that established a loft there. I think he was 20 miles away from his place of business, and he used these pigeons for sending messages to his family, telling them he was coming or what he was doing or something of that kind. But they are used by business men and newspaper men.

Mr. RUSSELL. To what extent are they used by business men or newspaper men for business purposes in the transmission of news?

Mr. JONES. Well, I could hardly tell you that.

Mr. SIMS. In what way are they used, and how?

Mr. JONES. For message purposes; and for that purpose they have what they call a message holder, which is purchased in this city. I have one here.

Mr. LAFEAN. If you will permit me, I would suggest that you have a cut in that encyclopedia of yours that will show just exactly what you are trying to explain.

Mr. JONES. Yes, sir.

Mr. LAFEAN. You also have a clock that is used in timing these birds?

Mr. JONES. Yes. These birds are all registered. There is an illustration showing the message holder in position on the pigeon's leg [indicating in a book exhibited to the committee].

Mr. SIMS. Can you give them directions, and will they go as they are directed?

Mr. JONES. No; they have a place to go, and they know nothing else from the time they are liberated, and they try for that place. I

think they sing a song called "Home, sweet home," for they love it very dearly.

Mr. SIMS. In what way can they perform any interstate functions if they can not go according to orders or directions?

Mr. JONES. Well, they are shipped to stations and liberated. For instance, suppose they were shipped to Spartanburg; they would come across a number of States to get to Pennsylvania, or wherever they would go. And it is while they are in this interstate flight that they are interfered with by gunners and so forth.

Mr. SIMS. Well, now, that is an interstate flight?

Mr. JONES. Yes.

Mr. SIMS. How would they be useful in the transmission of interstate messages if they can receive no orders or carry out no directions? In other words, if they have no schedule?

Mr. JONES. Well, of course, they can not be instructed. They are shipped to stations and liberated and then they go to their lofts.

Mr. SIMS. This committee, as I understand it, has jurisdiction over all matters relating to interstate and foreign commerce. In what way do these birds come in so as to give Congress any jurisdiction to legislate about them, and in what way do they perform any functions pertaining to interstate commerce?

Mr. JONES. Well, I do not know that they would perform anything along the line of commerce, but as citizens of these great United States these men believe they have a right to have their property protected, and that is the object of having laws passed.

Mr. SIMS. In flying through the air?

Mr. JONES. In flying through the air.

Mr. SIMS. Would not honey bees come under the same class?

Mr. JONES. Well, they are hardly the same. These pigeons cost a great deal of money in their care and breeding.

Mr. SIMS. It is a question of an interstate function pertaining to commerce. How have we jurisdiction to start out here and pass laws with reference to birds and bees or other insects that fly from one State to another when they are in no way used for commercial purposes?

Mr. JONES. They are used for business purposes.

Mr. SIMS. Well, that is what I am asking you to tell me.

Mr. JONES. Well, that would be commercial.

Mr. SIMS. Could you train the birds to go from here to Richmond and back and forth, as you wanted them?

Mr. JONES. No.

Mr. SIMS. How could they, then, perform any commercial function?

Mr. JONES. By shipping them to the stations, the same as they do in times of war.

Mr. SIMS. You do not mean to ship them along the line you want to protect, do you?

Mr. JONES. No, not at all. They are liberated at the various stations. For instance, in Germany and Belgium pigeons are protected, well protected, and when they are used for war purposes they are shipped to the seat of war and kept in a retaining loft or cage, and as soon as a message is to be sent the pigeon would be liberated with a message on the leg and the pigeon would go back to its loft, and they would get the message. For instance, a newspaper man comes to us and there is to be a boat race in New York, or something

else of that kind going on in New York, and he wants to get the news as quickly as possible, and he says, "Will you let me have some pigeons?" So he takes two or three pigeons with him to New York, ties the message on the leg and the pigeon comes back to Philadelphia; the newspaper has a representative at the home loft and gets the message.

Mr. SIMS. The message is merely incidental to the fact that the pigeon goes back where it comes from, so to speak?

Mr. JONES. He knows no place but where he lives, and makes haste to get there as soon as he possibly can.

Mr. SIMS. How would you enforce such a law by United States authority?

Mr. JONES. Why, in the same way some of the States do. There are some States that protect our homing pigeons; we have got state laws, but they do not cover everything.

Mr. SIMS. How would a person out shooting know whether he was shooting a pigeon making an interstate flight or a flight within the State?

Mr. JONES. Well, I admit, of course, that some people do not know what a homing pigeon is. I would be able to tell him a long way off, as far as I could see him; he has a little different way of flying.

Mr. SIMS. Here is my idea: To violate a criminal statute you must do so knowingly and wilfully. How would a person know whether a homing pigeon was on an interstate flight so as to convict such a person if you indicted him? I have not seen a copy of the bill.

Mr. CALDER. In your opinion how many people are engaged in the business of raising these homing pigeons?

Mr. JONES. It goes into many thousands. For instance, the organization I represent—I am not representing that body to-day particularly; I am representing the country, the fanciers at large—had 1,053 lofts last year—that is, connected with that organization alone—and it issued eighty-four thousand and some hundred registered bands, and that means there were that many young birds bred by the fanciers. These birds are registered just like cattle. This band is a trade-mark, on which I am protected here in Washington. This is a racing band [indicating], and the one that is marked is the registered band; it has a number; it has numbers and initials on it, and that denotes the hatch.

Mr. WANGER. How are these birds protected in Pennsylvania?

Mr. JONES. There is an act, passed in 1893, and it reads something like this: It is unlawful to detain or destroy a homing pigeon while in flight or at rest; and I think the fine is not less than \$10 or exceeding \$25. There have been quite a number of convictions.

Mr. WANGER. Is that statute effective?

Mr. JONES. As a state law, yes.

Mr. WANGER. Now, what are its shortcomings?

Mr. JONES. It only protects in Pennsylvania.

Mr. WANGER. Is there any law in New Jersey?

Mr. JONES. I am not positive; there is in Maryland.

Mr. WANGER. Is there any in New York?

Mr. JONES. I am not sure. There is in Illinois; there are in several States throughout the country.

Mr. WANGER. Would it not be very inconvenient to conduct prosecutions under a federal statute?

Mr. JONES. I do not think so, because I believe each owner would take care of his own particular pigeons and localities. They have districts and there are representative men who take up matters of that kind in different sections of the country.

Mr. WANGER. But it is generally supposed to be much more convenient to a state court, or a subordinate tribunal; than to a United States court?

Mr. JONES. Yes.

Mr. WANGER. Do you not think it would be well to endeavor to get state laws to cover this problem?

Mr. JONES. There are a great many States in the United States.

Mr. WANGER. Is it not rather beneath the dignity of a federal court to be charged with jurisdiction over an offense that is punishable by a fine not to exceed \$50 or imprisonment of not more than thirty days?

Mr. JONES. Judging from what they do abroad, no; they have government laws there protecting them.

Mr. WANGER. Yes; and there ought to be government laws here protecting them. But it seems to me there is quite a question as to whether the nearest tribunal would not be the most effective in securing the object, as well as the least oppressive, where an error in prosecution is made.

How can interstate flights be determined as to one of these pigeons, other than by proof of the person who liberated the pigeon as to what its presence in a particular place meant?

Mr. JONES. These birds, of course, are designated by the registering band, and by referring to a complete record that is kept we can tell where every band was issued during the entire year.

Mr. WANGER. But the bird while in the flight bears no evidence?

Mr. JONES. As soon as the bird is killed he is reported to headquarters. If it was owned by a member of our association I would get the information.

Mr. ADAMSON. Before the bird was killed the gunner would not be able to examine that record to find out whether that bird was an interstate bird, a Pennsylvania bird, a Georgia bird, or any other kind of a bird?

Mr. JONES. No.

Mr. WANGER. Do you discover the fate of the birds that disappear; and if so, what percentage?

Mr. JONES. With regard to shooting?

Mr. WANGER. Yes; as to what becomes of the birds.

Mr. JONES. A very large per cent, but I would not like to name it; I could not do it.

Mr. WANGER. The fate of a very large per cent of those that disappear is ascertained? Is that so?

Mr. JONES. Yes. A great many are lost; some are lost through the human hawk and gunner, and some from the regular bird hawk, and, of course, some from lack of ability to find their homes.

Mr. WANGER. Is there more than 50 per cent the fate of which can not be ascertained?

Mr. JONES. A great many are lost and their fate can not be ascertained, but we get lots of information where pigeons are found dead, where pigeons are found with legs shot off or crippled through the butts of the wings, just enough to allow them to come home; and

often they will come home and it will take a month to fly from house to house to get home; it is wonderful how they get back.

Mr. SIMS. Suppose I am out gunning and I shoot one of these pigeons; it falls, and I see that I have killed a pigeon that was a Pennsylvania pigeon; do you suppose I would then come and report that to anybody or give any information about it?

Mr. JONES. No, but we would expect that somebody would see you do it.

Mr. SIMS. You expect to have a country full of agents at watch?

Mr. JONES. No.

Mr. STEVENS. Do you think you could prove that any easier in a federal court than in a state court that had jurisdiction over the crime?

Mr. JONES. Not any easier, but we could protect the pigeons over the United States with a federal law.

Mr. WANGER. Have you considered the question whether the Federal Government has any jurisdiction over the subject unless the pigeons are engaged in commerce?

Mr. JONES. In interstate commerce; yes.

Mr. WANGER. You have considered that question, have you?

Mr. JONES. Yes.

Mr. WANGER. And you believe they are engaged in interstate commerce; is that it, or do you think we can cover the case if they are in an interstate flight, no matter whether commerce was an object or not?

Mr. JONES. Well, that was the thought.

Mr. ADAMSON. Suppose they are engaged in commerce, and I guess everything will be proved to be such if the commerce clause is not repealed for the salvation of the Republic, and suppose we were traveling in interstate commerce, and were to stop off in the City of Brotherly Love, to walk about and rest our legs, and an assault would be committed, would you come to Congress to punish that assault or would the State of Pennsylvania and the city of Philadelphia have self-respect enough, and force and decency enough, to handle the police regulations themselves?

Mr. JONES. Well, I rather think what I said before would answer that, where I say we are represented in most all sections of the country, and each section would intercede and prosecute in the State and place where the assault or killing occurred.

Mr. WANGER. Persons who are engaged in interstate commerce, being injured, generally seek redress in the state courts for assaults that are made upon them?

Mr. JONES. Yes.

Mr. WANGER. Is there anything further you care to say?

Mr. JONES. No; only to answer any questions you may feel disposed to ask.

The CHAIRMAN. How would a man who shot at a bird know whether it was a carrier pigeon in interstate flight?

Mr. JONES. If I saw such a pigeon, I would know.

The CHAIRMAN. But how would I know?

Mr. JONES. There are lots of people who would not understand that.

The CHAIRMAN. How could you tell it was in interstate flight?

Mr. JONES. I could not tell that; I could find that out later. I could not tell at that time. I could tell it was a homing pigeon.

The CHAIRMAN. You could tell after you were arrested for it?

Mr. JONES. Yes.

The CHAIRMAN. And punished, perhaps?

Mr. JONES. Yes.

The CHAIRMAN. Would it not be rather a hard thing to punish a man, and imprison him, for doing something he had no way of telling was an offense at the time he committed it?

Mr. JONES. Well, if I were to answer that as I feel I would say no, but I would punish any man that would be low enough and mean enough to kill a homing pigeon.

The CHAIRMAN. How would he know it was a homing pigeon?

Mr. JONES. A man that can not tell a homing pigeon has no right to carry a gun to kill anything larger than a sparrow.

The CHAIRMAN. You are familiar with homing pigeons?

Mr. JONES. Yes, sir.

The CHAIRMAN. Are you familiar with all kinds of birds?

Mr. JONES. I can tell pretty near what I see; yes, sir.

The CHAIRMAN. Any kind of bird?

Mr. JONES. Any kind of pigeons, very near.

The CHAIRMAN. But you are not familiar with all kinds of birds, are you?

Mr. JONES. No; pigeons.

The CHAIRMAN. But somebody else might be familiar with robins and not with pigeons.

Mr. JONES. Yes; but I confine my knowledge to pigeons.

The CHAIRMAN. But you are trying to make it an offense if a man kills a pigeon, who probably never saw a homing pigeon, if it is in interstate flight? You provide that he shall be imprisoned and fined, although he may not know a homing pigeon and does not know it is in interstate flight.

Mr. JONES. Might I say that ignorance would be no excuse for him committing an unlawful act?

The CHAIRMAN. That is the question.

Mr. JONES. Would it not be fair to insist that a man ought to know what he was shooting at before he shot?

The CHAIRMAN. He would know that he was shooting at a bird, but he would not know whether it was in interstate flight or not.

Mr. JONES. Some of these Italians who come here seem to know all about them.

Mr. ADAMSON. If you were to stand with a gun between Philadelphia and Norristown and you saw a pigeon in flight and you had reason to suspect it was registered and had complied with all the laws, state, federal, and international, how could you tell whether it was bound for Baltimore, out of the State, or to some point within the State between Philadelphia and Baltimore?

Mr. JONES. You could hardly tell that. I believe they should be protected whether they are flying for exercise or not.

The CHAIRMAN. Is there any way of telling while the pigeon is in flight whether it is a registered pigeon or not?

Mr. JONES. No, sir.

The CHAIRMAN. You see you are seeking to make a federal offense of something where there is no way of ascertaining whether it is an offense until after the act has been committed. Personally, I am in sympathy with your idea of protecting the pigeons, and I think everybody is.

Mr. JONES. I thank you for that. It would appear to me, Mr. Chairman, that there should be a law passed to make a man keep his gun down and not shoot at a pigeon at all, and that an interstate law would cover that. It is none of his business as to whether it is in interstate flight or not; it is common property, and he has no more right to shoot that pigeon than I have to shoot at a horse or at anybody else's property.

The CHAIRMAN. Do these pigeons stop in flight?

Mr. JONES. If they do they make a mistake; they are not supposed to do so.

The CHAIRMAN. Where it takes them more than a day in a flight they must stop?

Mr. JONES. Yes; they would stop if they did not get home that night; they would get on some high building and stay there until morning, and as soon as daylight came the game pigeon makes a bee line for his destination.

The CHAIRMAN. Do they stop for water or feed?

Mr. JONES. Sometimes they do, and we can tell whether they have stopped for water; they would not stop for feeding in a day's flight. I can tell when a pigeon comes home if he has been in the water; he must go into the water a few inches to drink, and I can tell whether he has been down to the water to get a drink; but usually they come the whole trip without drinking or stopping to do anything; when I tell you they will make a mile a minute, they do not have very much time to loiter.

The CHAIRMAN. Well, that may be so if they made a mile a minute, but they do not always make that time.

Mr. JONES. Well, they do make 1,400 or 1,500 yards.

The CHAIRMAN. Suppose you ship any article of freight in interstate commerce from Pennsylvania to Maryland, do you think we have the right, as a Federal Government, to fix a penalty upon somebody in the State of Pennsylvania who steals that article of freight simply because it is shipped.

Mr. JONES. That is done in Pennsylvania, is it not?

The CHAIRMAN. Suppose an ordinary shipment of freight was made from one State to another, and if a man steals that freight in one of the States, is that something for the Federal Government to punish or something for the State to punish?

Mr. JONES. In that case for the State, I would think.

The CHAIRMAN. What is the difference between that and a pigeon flying in the air?

Mr. JONES. That stuff is not flying and the pigeon is, you know.

Mr. SIMS. Your bill makes it unlawful to steal the pigeon while in interstate flight?

Mr. JONES. Yes.

The CHAIRMAN. You could not steal it while it is flying through the air?

Mr. JONES. No.

The CHAIRMAN. You have to assume the pigeon alights in some way during its flight from one State to another, and you think that gives the Federal Government authority to punish?

Mr. JONES. That is what we would think.

The CHAIRMAN. I would like to have you present to us hereafter, if you have it, anything that tends to show that the Federal Govern-

ment can punish a crime such as stealing articles that are in transit in interstate traffic.

Mr. BARTLETT. What particular kind of interstate business is done in the flying of these pigeons? I do not mean for pleasure or just mere pastime, but what kind of business is done by the flight of the pigeons, interstate business?

Mr. JONES. Well, they are used for different purposes.

Mr. BARTLETT. I asked what.

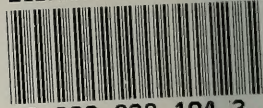
Mr. JONES. They are sent to stations to be liberated and go back from those stations to their lofts.

Mr. BARTLETT. I want to know what kind of traffic or business these pigeons are used for. You can send a message over the wire, and that is interstate business, that has reference to business or traffic, and you can send anything by mail or express; but what particular kind of interstate traffic or business are these pigeons engaged in or used to facilitate? That is what I want to know.

Mr. WANGER. Mr. Jones gave a number of instances a little while ago, such as the reporting of an event where the editor or some person wanted to communicate to a paper certain information as to the occurrence of an event, and that the pigeons were liberated and the person at the home loft got the news.

Mr. SIMS. I went all over that matter.

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